

REMARKS

Claims 1, 4-6, 17, 20-23 and 26-28 remain pending in the application, claims 2, 3, 7-16, 18, 19, 24 and 25 having been previously canceled.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following amendments and remarks. No new issues are raised nor is further search required as a result of the changes and remarks made herein. Entry of the Amendment is respectfully requested.

Claims 1, 4-6, 17, 20-23 and 26-28 variously over LaPorta, Frohman, Holmes, and Sladek

In the Office Action, claims 1, 4, 5, 17, 20, 21, 23, 26 and 27 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 5,959,543 to LaPorta et al. ("LaPorta") in view of U.S. Pat. No. 5,418,835 to Frohman et al. ("Frohman"), and in further view of U.S. Pat. No. 6,134,432 to Holmes et al. ("Holmes"); and claims 6, 22 and 28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over LaPorta in view of Frohman and Holmes, and further in view of U.S. Pat. No. 6,718,178 to Sladek et al. ("Sladek").

Claims 1, 4-6, 17, 20-23 and 26-28 recite, *inter alia*, individually assigning each of a plurality of subscriber queues a maximum number of short messages that the plurality of subscriber queues can store.

The Examiner relies on Frohman at col. 2, lines 18-25 to allegedly disclose assignment of a maximum number of short messages that a plurality of subscriber queues can store. (see Office Action at page 3) Frohman at col. 2, lines 18-25 discloses:

Queue capacity could be another parameter used to control conversion. Paging system users with a lower level of service may be paying for a lower capacity queue (e.g., 5 messages). If the number of messages entered into the queue within the maximum page period should exceed 5 messages then the oldest messages would be converted to voice mail.

Frohman discloses a paging system with different levels of service, with the level of service controlling the capacity of all the queues that pay for that

particular capacity. Frohman fails to assign a maximum queue number individually for each queue, as claimed.

The reason Frohman fails to assign a maximum queue number individually for each queue is that Frohman's invention discloses a way for a service provider to make money by providing different levels of service, not addressing the Applicant's disclosed problem of churning. It is often the case that a small number of MINs are responsible for a disproportionately large number of messages being delivered within a network, called churning. The inventors have realized that this can result in large bandwidth usage that can interfere with delivery of messages to other subscribers. Implementation of a limit to control the maximum number of messages that can be stored for each subscriber queue individually reduces the influence of any single subscriber queue has on a message delivery system. The claimed features having such benefits are not disclosed, taught or suggested by the cited prior art.

LaPorta, Frohman, and Holmes, either alone or in combination, fail to disclose, teach or suggest individually assigning each of a plurality of subscriber queues a maximum number of short messages that the plurality of subscriber queues can store, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

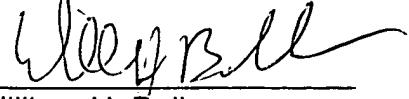
The Examiner relies on Sladek to allegedly disclose a Wireless Intelligent Network (WIN). (see Office Action, page 4) Thus, even considering the alleged disclosure of Sladek, LaPorta, Frohman, Holmes, and Sladek, either alone or in combination, fail to disclose, teach or suggest individually assigning each of a plurality of subscriber queues a maximum number of short messages that the plurality of subscriber queues can store, as recited by claims 1, 4-6, 17, 20-23 and 26-28.

Accordingly, for at least all the above reasons, claims 1, 4-6, 17, 20-23 and 26-28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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